

Application No.: 09/773257

Docket No.: FBT-002

**REMARKS**

Claims 1-26 were presented for examination. The Office Action rejects claims 1, 6, and 7-26 under 35 U.S.C. § 101, claims 1-6 under 35 U.S.C. § 112, second paragraph, claims 1-5 and 7-11 under 35 U.S.C. § 102(e), and claims 6 and 12-26 under 35 U.S.C. § 103(a). Applicants herein amend claims 1 and 5-7 as set forth above. Claims 1-26 remain pending in the application, and claims 1 and 7 are independent.

**Rejections under 35 U.S.C § 101**

The Office Action rejects claims 1, 6, and 7-26 under 35 U.S.C. § 101 as being non-statutory subject matter. Applicants herein amend independent claims 1 and 7 as set forth above.

Claim 1 as a whole recites, in part, an individual service provider having a computer system executing software, a central reservation system having a computer system executing software, and a communication link between the central reservation system and the individual service provider. Applicants respectfully submit that the claimed invention, as a whole and given its broadest reasonable interpretation, does not encompass a human being because the claim recites computer hardware and software.

Similarly, claim 7 is presently amended to recite that the system comprises "computer readable instructions that when executing on a computing system cause a processor to ..." as requested by the Examiner. In light of the amendments above, Applicants respectfully request that the rejection of claims 1, 6 and 7-26 under 35 U.S.C. § 101 be reconsidered and withdrawn.

**Rejections under 35 U.S.C § 112**

The Office Action rejects claims 1-6 under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants herein amend claims 1 and 6 to recite that a computer system at each of the central reservation service provider and the individual service providers executes the computer software through which reservations can be made. Further, claim 1 now recites that one of the computer systems activates the link when required. As such, Applicants respectfully request that the rejection of claims 1-6 under 35 U.S.C. § 112, second paragraph be reconsidered and withdrawn.

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Rejection of claims 1-5 under 35 U.S.C § 102

The Office Action rejects claims 1-5 under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,477,503 to Mankes ("Mankes"). Applicants traverse the rejection to the extent it is maintained against presently amended claim 1.

Mankes features a reservation server in communication with a local server. The local server controls the making of reservations. That is, reservations can only be made through the local server. If a customer tries to make a reservation using the reservation server, the reservation server of Mankes must communicate with the local server to receive confirmation of availability for the reservation from the local server. The system of Mankes is similar to those described in the introduction of Applicants' application.

Applicants' amended claim 1 recites, in part, that when a reservation request is from one of the central reservation provider or one of the individual service providers is available from that provider, the reservation is made by that provider without communicating with the other of the central reservation provider or one of the individual service providers. That is, each of the individual service provider and the central reservation server can make a reservation independent of the other. That is different from the system of Mankes which shows continual communication between the local server and the reservation server such that the local server can book the reservations. As such, Mankes fails to anticipate Applicants' claimed invention.

Claims 2-5 depend directly or indirectly from allowable claim 1 and recite further limitations thereon. As such, for at least those reasons set forth above Mankes fails to anticipate claims 2-5. Therefore, Applicants respectfully request that rejection of claims 1-5 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Rejection of claim 6 under 35 U.S.C § 103

The Office Action rejects claim 6 under 35 U.S.C. § 103(a) as being unpatentable over Mankes in view of United States Patent Application Publication No. 2002/0116232A1 to Rapp *et al.* ("Rapp"). Applicants respectfully traverse this rejection.

Applicants argued above why Mankes fails to teach, suggest, or disclose the invention as set forth in the Applicants' claims. Those arguments apply with equal force and effect here and are reiterated in full.

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Rapp is directed to an internet-based application that allows vendors to manage their appointment books and allows customers to schedule appointments with a vendor 24 hours a day and from any location. Rapp fails to disclose, teach, or suggest a communication link between a central reservation provider and one or more respective individual service providers that is activated when a reservation requested from either the central reservation provider or the individual service provider is not available, as set forth in Applicants' claimed invention. As such, any hypothetical combination of Mankes and Rapp also fails to disclose, teach, or suggest Applicants' claimed invention. Therefore, Applicants respectfully request that the rejection of claim 6 under 35 U.S.C § 103(a) be reconsidered and withdrawn.

Rejection of claims 7-11 under 35 U.S.C § 102

The Office Action rejects claims 7-11 under 35 U.S.C. § 102(e) as being anticipated by United States Patent Application Publication No. 2002/0032588 to Glazer *et al.* ("Glazer"). Applicants traverse the rejection to the extent it is maintained against amended claim 7.

Glazer is directed to graphical scheduling system and method. In Glazer, a sponsoring organization (e.g., a dentist's office, doctors, car dealerships, hospitals, and the like) is connected to a central controller that maintains a customer database related to the sponsoring organization. The central controller forwards personalized e-mail messages at the appropriate times to the customers. The customer then schedules an appointment by viewing a web-based calendar that shows available appointment times and selecting a time for the appointment.

Applicants' amended claim 7 recites a reservation system for reserving one of a plurality of items (e.g., tables of a restaurant). *Time consecutive blocks from more than one of the plurality of items can be combined to provide the requested total reservation time.* For example, if a restaurant has three tables, the availability for a reservation can be determined by combining available consecutive time blocks from each of the first table, the second table, and the third table. Glazer does not disclose this feature. Instead, Glazer only allows making a reservation using the consecutive available time blocks *for a single item* (e.g., a dentist). The Office Action states that in Fig. 2, page 1 [0012], page 2 [0016], and page 4 [0027] disclose combining consecutive time blocks from more than one of the items to provide the reservations, Applicants respectfully disagree. Applicants' reading of these cited sections reveals that Glazer only allows making a reservation using the available time periods for a single item, not time

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consecutive blocks from a plurality of items as claimed. Therefore, Glazer fails to anticipate the invention as set forth in Applicants' amended claim 7.

Claims 8-11 depend directly or indirectly from allowable claim 7 and recite further limitations thereon. As such, for at least those reasons set forth above Glazer fails to anticipate claims 8-11. Therefore, Applicants respectfully request that rejection of claims 7-11 under 35 U.S.C. § 102(e) be reconsidered and withdrawn.

Rejection of claims 12-26 under 35 U.S.C § 103

The Office Action rejects claims 12-22 under 35 U.S.C. § 103(a) as being unpatentable over Glazer. Applicants traverse the rejection to the extent it is maintained against claims 12-22. Claims 12-22 depend directly or indirectly from allowable claim 7 and recite further limitations thereon. Therefore, for at least those reasons present with respect to claim 7, claims 12-22 are also allowable. Therefore, Applicants respectfully request that the rejection of claims 12-22 under 35 U.S.C § 103(a) be reconsidered and withdrawn.

The Office Action rejects claims 22-26 under 35 U.S.C. § 103(a) as being unpatentable over Glazer in view of Mankes. Applicants traverse this rejection.

Mankes, as discussed above, fails to cure the deficiencies of Glazer with respect to claim 7. As such, any hypothetical combination of Glazer and Mankes also fails to disclose, teach, or suggest Applicants' claimed invention. Therefore, Applicants respectfully request that the rejection of claims 22-26 under 35 U.S.C § 103(a) be reconsidered and withdrawn.

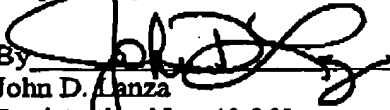
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In view of the above amendment, applicants believe the pending application is in condition for allowance. Applicants believe no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. FBT-002 from which the undersigned is authorized to draw.

Dated: July 19, 2005

Respectfully submitted,

  
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